

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 209  
FEBRUARY 9, 1978

WHEREAS, on December 15, 1977, the Zoning Commission adopted Order No. 199, which enacted on an emergency basis changes to the Zoning Regulations to prevent chanceries and international agencies from locating in areas outside those mapped in the Foreign Missions and International Agencies element of the Comprehensive Plan adopted by the National Capital Planning Commission, and

WHEREAS, Order No. 199 specifies that the regulation adopted therein can remain effective for a period of 120 days or until the adoption of final Orders in Cases No. 77-45 and 77-46, which propose permanent amendments to the Zoning Regulations to implement the Foreign Missions and International Agencies element, and

WHEREAS, the Zoning Commission has received an application from the Donohoe Real Estate Company requesting the Commission to amend the regulation adopted by Order No. 199 to allow existing chanceries, chancery annexes, and combined chancery/embassies outside the NCPC mapped area to expand in their present location, and

WHEREAS, the staff of the National Capital Planning Commission reported to the Zoning Commission that the Foreign Missions and International Agencies element did intend to allow the expansion of existing chanceries, chancery annexes and combined chancery/embassies outside the NCPC mapped area, and

WHEREAS, the Zoning Commission finds that the regulations adopted by Order No. 199 would create a substantial hardship upon those existing chanceries located outside the NCPC mapped area which need to expand, and

WHEREAS, the Zoning Commission finds that there is at least one foreign mission which is desirous of expanding its present facilities outside the NCPC mapped area, and that such foreign mission is ready to proceed immediately to expand its facility, and

WHEREAS, the Zoning Commission has received a letter from the Counsel for the Government of Finland, stating that the Government

of Finland has been frustrated in attempting to find a suitable location to accommodate its chancery facility, and that such attempts have been proceeding for many years, and

WHEREAS, the Zoning Commission finds that denial of permission for the Government of Finland to occupy the premises at 3216 New Mexico Avenue, N. W. creates a substantial hardship and inequity for the Government of Finland, and

WHEREAS, the Zoning Commission finds that the circumstances regarding the attempts of the Government of Finland to locate at 3216 New Mexico Avenue, N. W. are unique, and that there are no other governments which are in a similar circumstance, and

WHEREAS, the staff of the National Capital Planning Commission reported to the Zoning Commission that the granting of permission to the Government of Finland to occupy the premises at 3216 New Mexico Avenue, N. W. would not affect the integrity of the Foreign Missions and International Agencies element of the Comprehensive Plan, and

WHEREAS, the Zoning Act (Section 5-413 of the D. C. Code) establishes the authority of the Zoning Commission to "promote the health, safety, morals, convenience, order, prosperity or general welfare of the District of Columbia", and

WHEREAS, the District of Columbia Administrative Procedures Act (Section 1-1505 of the D. C. Code) authorizes the Zoning Commission to take emergency action for a period not to exceed 120 days "for the immediate preservation of the public peace, health, safety, welfare or morals,"

NOW THEREFORE, the Zoning Commission resolves that an emergency exists and hereby ORDERS, for a period not to exceed 120 days from December 15, 1977 or until adoption of a final Order or Orders in Cases No. 77-45 and 77-46, whichever shall occur first, the following amendment to the regulations adopted by Order No. 199:

"Existing chanceries, chancery annexes and combined chancery/embassies may be retained and expanded. No portion of this provision shall be interpreted to bar the Government of Finland from acquiring and using the premises at 3216 New Mexico Avenue, N.W. as a chancery."

Order 199, as amended, therefore, reads as follows;

1. Add a new Sub-section 8103.8 as follows:

Notwithstanding any other provisions of these regulations, no building shall be used and no building permit shall be issued for a chancery or international agency in any areas in the District of Columbia not designated for such use on the diagram (NCPC Map File No. 04.00/100.00-28349, September 30, 1977) in the Foreign Missions and International Agencies element of the Comprehensive Plan for the National Capital. No portion of this provision shall be interpreted to bar the Government of Finland from acquiring and using the premises at 3216 New Mexico Avenue, N.W. as a chancery.

2. Add a new Sub-section 8104.11 as follows:


Notwithstanding any other provisions of these regulations, no building shall be used and no certificate of occupancy shall be issued for a chancery or international agency in any areas in the District of Columbia not designated for such use on the diagram (NCPC Map File No. 04.00/100.00-28349, September 30, 1977) in the Foreign Missions and International Agencies element of the Comprehensive Plan for the National Capital. Existing chanceries, chancery annexes and combined chancery/embassies may be retained and expanded. No portion of this provision shall be interpreted to bar the Government of Finland from acquiring and using the premises at 3216 New Mexico Avenue, N.W. as a chancery.

3. Add a new definition in Section 1202 as follows:

"International Agency" means a public international agency in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation, and which has been designated by the President through appropriate Executive Order as entitled to enjoy the privileges, exemptions, and immunities provided in the International Organization Immunities Act of 1945, as amended.

This Order shall take effect immediately.

ATTESTED By:

  
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STEVEN E. SHER  
Executive Director

This Order was adopted by the Zoning Commission at its public meeting held on February 9, 1978 by a vote of 3-0 (Walter B. Lewis, John G. Parsons and Theodore F. Mariani to adopt, Ruby B. McZier and George M. White not present, not voting).